

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No. 4:23-CR-00490-SRC-RHH
)	
SANEL SMAJLOVIC,)	
)	
)	
Defendant.)	

**GOVERNMENT’S DISCLOSURE OF ARGUABLY SUPPRESSIBLE EVIDENCE
PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE 12(b)(4)**

Comes now the United States of America, by and through its attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Nathan L. Chapman, Assistant United States Attorney for said District, and makes the following disclosures pursuant to Rule 12(b)(4) of the Federal Rules of Criminal Procedure:

At trial, the Government intends to use evidence seized and statements made by the defendants during the events described below. This evidence and these statements are more fully set forth in investigative reports, which will be made available to the defendant. To the extent that any evidence outlined herein constitutes evidence of “Crimes or Other Acts” as contemplated by Federal Rule of Evidence 404(b), notice is hereby given that the Government intends, in the event of trial, to seek the admission of such evidence as probative of “motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident.”

The listing of a potential witness or potential witnesses is not meant to be all-inclusive. As the date set for hearings approaches, the Government may add, substitute or delete a witness or witnesses for various reasons.

The Government has not included in its listing of events the various physical surveillance that occurred or any photographs or videotapes taken during surveillance during the course of the investigation. Additionally, the Government has not listed any records obtained by subpoena. It is the Government's position that these events are not subject to suppression.

DATE	EVENT/ITEM	WITNESS
April 12, 2023	Search Warrant for Skype Name/ID: xflinkx (4:23-MJ-8078-SRW)	Department of Homeland Security SA Nick Zotos
September 22, 2023	Search Warrant for Google Accounts: 1) sanelss@gmail.com and 2) ssbihsss@gmail.com (4:23-MJ-6256-PLC)	Department of Homeland Security SA Nick Zotos
September 22, 2023	Search Warrant for Premises Located at 6942 Colonial Woods Drive, Apt. 70, Saint Louis, MO 63129 (4:23-MJ-6266-PLC)	Department of Homeland Security SA Nick Zotos
September 22, 2023	Search Warrant for Yahoo Account otaku_sanel@sbcglobal.net (4:23-MJ-6267-PLC)	Department of Homeland Security SA Nick Zotos
September 24, 2023	Defendant Interview at Lambert International Airport	Department of Homeland Security SA Nick Zotos

In addition to the above-referenced evidence, the Government may seek to admit at trial various documentary and/or business records, including but not necessarily limited to records obtained from various providers of cellular telephone service. It is the Government's position that these records do not constitute "suppressible evidence," but inasmuch as the Court's order required

disclosure of any “arguably suppressible evidence,” the Government hereby gives notification of its intent to admit evidence in the form of such business records.

As additional evidence is found, and as supplemental information comes to the Government's attention, the Government may choose not to use some evidence described, or to use evidence additional to that listed in these reports. If the Government chooses to use additional evidence, a supplemental Rule 12(b)(4) notice, and/or a Notice of Intent to Seek the Admission of Evidence Pursuant to Federal Rule of Criminal Procedure 404(b) will be filed.

Respectfully submitted,

SAYLER A. FLEMING
United States Attorney



NATHAN CHAPMAN, #60978MO
Assistant United States Attorney
Nathan.chapman@usdoj.gov
111 South 10th Street, Room 20.333
St. Louis, Missouri 63102
(314) 539-2200

CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2023, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon counsel of record for the defendant.



NATHAN CHAPMAN #60978MO
Assistant United States Attorney